

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 31, 2005 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #05042

PROPOSAL: Expand a nonstandard single-family dwelling into the required front yard setback.

LOCATION: North 67th Street & Morrill Avenue

LAND AREA: 14,200 square feet, more or less

CONCLUSION: This application meets the requirements of the Zoning Ordinance and Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 and 2, Block 56, Havelock, located in the NE 1/4 of Section 9 T10N R7E, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Single-family dwelling R-4 Residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family dwelling	R-4 Residential
South:	Single-family dwelling	R-4 Residential
East:	Single-family dwelling	R-4 Residential
West:	Single-family dwelling	R-4 Residential

HISTORY:

May 1979 The zoning for this area changed from B Two-Family Dwelling to R-4 Residential as part of the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates this area as Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

ANALYSIS:

1. This is an application to expand a nonstandard single-family dwelling into the required front yard setback for the purpose of constructing an addition.
2. A nonstandard use is defined by LMC §27.03.460 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance no longer complies with the minimum lot requirements for the district in which it is located. According to the Lancaster County Assessor, this dwelling was constructed in 1915. This was prior to the adoption of zoning in Lincoln; therefore, this is a nonstandard use.
3. LCM §27.63.540 provides conditions under which this permit may be granted:

- a. **The proposed building expansion shall not extend further into any required yard than the furthest extension of the existing single- or two-family dwelling.**

According to the Applicant, the existing building is 11.4' from the 67th Street right-of-way. The proposed addition will maintain a distance of at least 11.4' from the right-of-way as well. The R-4 zoning regulations require a 25' front yard setback location.

- b. **The proposed building expansion shall comply with all other height and area regulations of the zoning district in which the building is located.**

The proposed addition is not shown to encroach into any other required setback. The building permit review process will ensure the height requirements are met.

- c. **The use of the building shall remain a single- or two-family dwelling.**

Applicant has indicated the dwelling will remain used for a single-family. This is also a recommended condition of approval.

4. No City Department has raised an objection to this permit.
5. The proposed addition to this building is not required to meet the Neighborhood Design Standards. However, since the proposed work will occur on a street facing facade in an established part of town, the standards should be used as a guide for compatible design. At the time this report was prepared, plans showing elevations of the proposed addition had not been submitted for review. Therefore, the extent to which the proposal meets the design standards is unknown.

Planning Staff recommends approval of this permit based upon the following conditions.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits the expansion of a nonstandard single-family dwelling into the required front yard setback along North 67th Street for the purpose of an addition.
2. The expansion shall not extend further into a required front yard than the furthest extension of the existing dwelling.
3. The expansion shall meet the height limit of the zoning district.
4. The use of the main structure shall remain a single- or two-family use.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the addition all development and construction is to comply with the approved plans.
 - 5.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

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Planner

Date: August 11, 2005

Special Permit #05042
Expansion of Nonstandard Use

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Applicant	James and Mary Young
Owner	6643 Morrill Avenue
and	Lincoln, NE 68507
Contact:	402.464.0342

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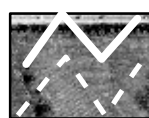
2005 aerial

Special Permit #05042 N. 67th & Morrill Ave

Zoning:

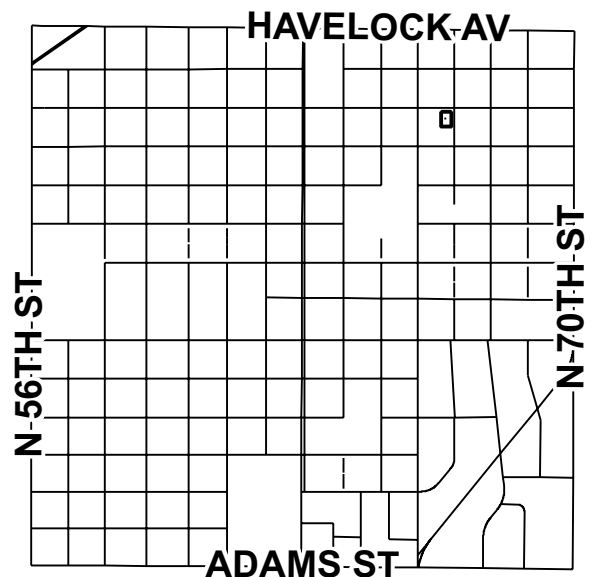
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 9 T10N R7E



Zoning Jurisdiction Lines

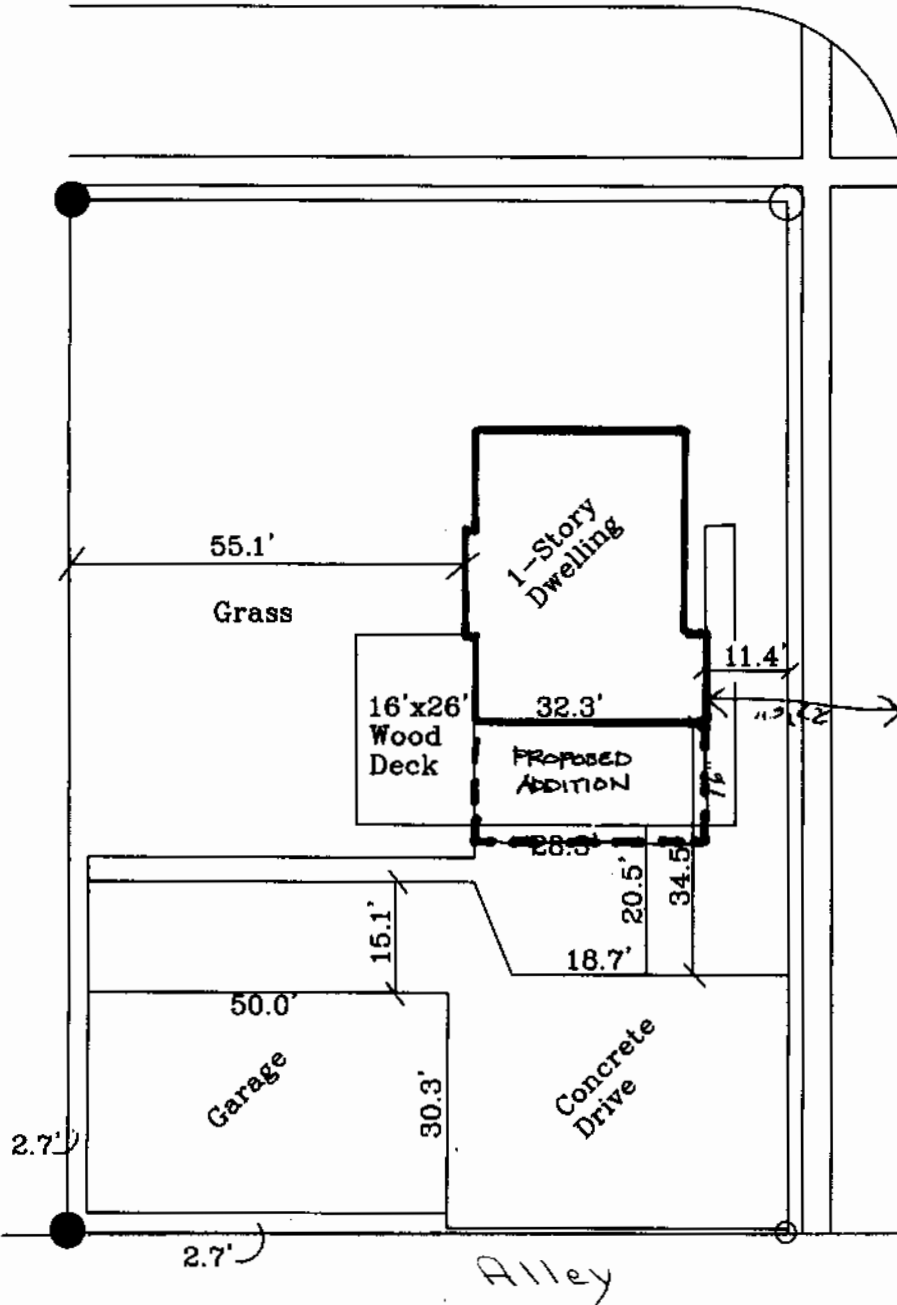
City Limit Jurisdiction





MORRILL AVE.

67TH STREET



Garage
6640 Logan

25'5"

This is an application for the expansion of a nonstandard home into the required front yard. This is to add on to an existing house at 6643 Morrill Avenue. The house is currently 11.4 feet from the lot line. The required front yard is 25 feet. The addition to the house will not extend further into the setback than the house already does. The house will remain as a single family dwelling.